Filed 2/3/14 In re Brandon W. CA2/4

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re BRANDON W., a Person Coming Under the Juvenile Court. THE PEOPLE, Plaintiff and Respondent, v. BRANDON W., Defendant and Appellant.	B245789 (Los Angeles County Super. Ct. No. MJ21626)

APPEAL from a judgment of the Superior Court of Los Angeles County, Akemi Arakaki, Judge. Affirmed.

Sarvenaz Bahar, under appointment by the Court of Appeal, for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, Steven D. Matthews and Analee J. Brodie, Deputy Attorneys General, for Plaintiff and Respondent.

Minor Brandon W. appeals from a judgment sustaining a juvenile wardship petition. (Welf. & Inst. Code, § 602.) He contends the evidence was insufficient to support the juvenile court's true finding on a charge of vandalism resulting in damages of $400 or more, a felony.[1] (Pen. Code, § 594, subds. (a), (b)(1).) We reject his contention and affirm.

BACKGROUND

At the adjudication hearing, Los Angeles County Sheriff's Deputy Brian Burchett testified as follows: On June 15, 2012, Burchett investigated a vandalism report concerning a 1999 Toyota 4Runner, which had "key marks" and a broken driver's side mirror. The car was registered to Elizabeth Krzyzewski and was driven by her son Christopher Krzyzewski.[2] In the course of his investigation, Burchett interviewed appellant, who told Burchett "that he had gotten into a fight with Chris. And that a few hours after the fight he went over to Chris' house and scratched the driver's side of the vehicle with a key and then smashed the driver's side mirror." Appellant stated that he knew the car belonged to Christopher because "he's seen him drive it in the past."

During his testimony, Christopher was shown several photographs of the car. While looking at the photographs, which were admitted as exhibit 1, Christopher identified the following damage that was done to the car: "The broken mirror, the key marks on the left side of the door, the driver's side, on the rear, the hatch where it opens there's key marks there and on the front right there (indicating)."

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[1] The court declared appellant a ward of the court, declared the offense a felony, and placed appellant at home on probation. The court imposed terms and conditions on appellant's probation, including curfew and driving restrictions, educational requirements, community service, reparation as directed by his probation officer, and payment of $100 to the restitution fund.

[2] Because they share the same last name, we will refer to Elizabeth and Christopher Krzyzewski by their first names, with no disrespect intended.

During her testimony, Elizabeth verified that the photographs accurately depicted her car as it appeared on June 15, 2012. In addition, Elizabeth testified that according to the repair estimates she received, it would cost between $3,200 and $3,600 to repair the damage to her vehicle. Over appellant's hearsay objection, the court admitted an itemized repair estimate of $3,657.38 that Elizabeth had received from Critical Car Care, Inc. (exhibit 2).

DISCUSSION

The sole issue on appeal is whether the prosecution established that the damage caused by appellant met or exceeded the statutory minimum of $400 for felony vandalism. (Pen. Code, § 594, subds. (a), (b).) According to appellant, the prosecution's sole evidence that the damage exceeded the statutory minimum for felony vandalism was exhibit 2, the repair estimate from Critical Car Care, Inc. Based on his contention that the court erred in overruling his hearsay objection to exhibit 2, appellant argues there was "no evidence showing the amount of damage caused by appellant's conduct." We are not persuaded.

I. Standard of Review

In reviewing the sufficiency of the evidence to support a juvenile court judgment sustaining the criminal allegations of a juvenile wardship petition (Welf. & Inst. Code, § 602), "we must apply the same standard of review applicable to any claim by a criminal defendant challenging the sufficiency of the evidence to support a judgment of conviction on appeal. Under this standard, the critical inquiry is 'whether, after reviewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.' (*Jackson v. Virginia* (1979) 443 U.S. 307, 318-319.) An appellate court 'must review the whole record in the light most favorable to the judgment below to determine whether it discloses substantial evidence—that is, evidence which is reasonable, credible, and of solid

value—such that a reasonable trier of fact could find the defendant guilty beyond a reasonable doubt.' (*People v. Johnson* (1980) 26 Cal.3d 557, 578; see also *People v. Jones* (1990) 51 Cal.3d 294, 314.)

"In reviewing the evidence adduced at trial, our perspective must favor the judgment. [Citations.] 'This court must view the evidence in a light most favorable to respondent and presume in support of the judgment the existence of every fact the trier could reasonably deduce from the evidence. [Citation.] If the circumstances reasonably justify the trial court's findings, reversal is not warranted merely because the circumstances might also be reasonably reconciled with a contrary finding. [Citations.] The test on appeal is whether there is substantial evidence to support the conclusion of the trier of fact; it is not whether guilt is established beyond a reasonable doubt. [Citation.] [¶] Before the judgment of the trial court can be set aside for insufficiency of the evidence . . . , it must clearly appear that upon no hypothesis whatever is there sufficient substantial evidence to support it. [Citation.]' (*People v. Redmond* (1969) 71 Cal.2d 745, 755; [citation].)" (*In re Ryan N*. (2001) 92 Cal.App.4th 1359, 1371-1372.)

II. The Photographs of the Car, Coupled With the Testimony of Elizabeth and Christopher, Provided Substantial Evidence of Damage in Excess of $400

As the Attorney General correctly points out, the evidence in support of a finding of damages in excess of $400 included both the photographs of the car and the testimony of Elizabeth and Christopher. As appellant did not object to the photographs or testimony, their admissibility is not at issue on appeal.

We conclude that the record, viewed as a whole, supports a reasonable finding that the damage caused to the vehicle resulted in a loss of more than $400. Christopher testified that the photographs in exhibit 1 accurately depict the damage done to the car—the broken driver's side mirror and key marks on the door, front, and rear of the car. We have independently examined the photographs, which support a finding that appellant inflicted damage in excess of $400. We believe that anyone who is reasonably familiar with routine car maintenance in Los Angeles County would know simply by viewing

these photographs that the cost of repair undoubtedly exceeds the $400 statutory minimum in Penal Code section 594, subdivision (b)(1). (See *Ferrari v. Mambretti* (1943) 58 Cal.App.2d 318, 328 [if the reasonable value of services is a matter of common knowledge, the trier of fact may determine such value without the assistance of opinion testimony].)

In addition, a finding that appellant inflicted damage to the vehicle in excess of $400 is fully consistent with Elizabeth's testimony that she received estimates of $3,200 and $3,600 to repair the damage reflected in the photographs, which testimony came into evidence without objection.

DISPOSITION

The judgment is affirmed.

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EDMON, J.*

We concur:

WILLHITE, Acting P. J. MANELLA, J.

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* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.